

Remarks

The Applicant has carefully reviewed and considered the Examiner's Office Action dated March 22, 2005. Reconsideration is respectfully requested in view of the foregoing amendments and the comments set forth below.

By this Amendment, claims 1, 6, 7, 9 11, 13 and 14 are amended, claims 3-5, 8, 10, 12, 15, 17, and 19 are canceled. Non-elected claims 22-34 are canceled without prejudice to filing a divisional application. Accordingly, claims 1-2 and 6-7, 9, 11, 13-14, 16, 18, and 20-21 are pending in the present application.

Claims 15-21 were rejected under 35 U.S.C. §101 because the claims “[fail] to recite **computer-executable instructions**” (emphasis provided in the paragraph at the top of page 3 of the Action). Claims 15, 17 and 19 are canceled by the foregoing amendment to the claims. Contrary to the Action’s characterization of claims 16, 18 and 20-21, the claims recite a “medium having recorded therein a program for achieving a terminal device according to” claims 9, 11 and 20-21, respectively. That is, as one of ordinary skill in the art would understand, the medium has a program code recorded therein that achieves the functions of the terminal device upon which the medium claim depends. Since this application is based on a Japanese priority document, we are limited to the disclosure in the originally-filed application that clearly indicates that the terminal may be a PC or other terminal to connect with the Internet. Consequently, it is believed that the language of the claims recites that the program is readable to achieve the recited terminal device, and that claims 16, 18, and 20-21 are directed to statutory subject matter under 35 U.S.C. §101 for the above reason and because they depend from claims that are

not rejected as non-statutory subject matter. Withdrawal of this rejection is respectfully requested.

Claims 1-3, 5-6, 8-10, 12-13, 15-17 and 19-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,370,513 to Kolowa et al (which incorporates by reference U.S. Patent No. 6,236,974 to Kolowa et al. and hereinafter is referred to as “Kolowa”) as described in the paragraphs beginning in the middle of page 3 of the Action and ending in the middle of page 6 of the Action. In that claim 1 has been amended to include the features of claim 4, claims 1-2 and 6 are no longer anticipated by Kolowa. Claim 11 has been rewritten as an independent claim and claims 9, 13-14, 16, and 20 have been amended to depend either directly or indirectly from claim 11. Thus, claims 9, 13, 16 and 20 are no longer anticipated by Kolowa. Withdrawal of this rejection is respectfully requested.

Claims 4, 7, 11, 14, 18 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kolowa in view of U.S. Patent No. 6,014,634 to Scroggie et al. (hereinafter referred to as “Scroggie”) for the reasons set forth from the top of page 7 to the middle of page 8 of the Action. This rejection is respectfully traversed.

As the Action acknowledges Kolowa does not disclose a store within a specific distance from the shopper terminal, however, Kolawa also fails to disclose, teach or suggest personal information that includes at least information specifying one of ‘on-line purchase’ or ‘shopper terminal purchase’ as the method of process element purchase. The Action cites column 9, lines 29-33 of Kolowa; however, this section refers to questions concerning types of food and is not concerned with purchases on-line versus at a shopper terminal as recited in independent claims 1 and 11. The only section in Kolawa that

mentions on-line purchase requests is column 13, lines 15-24 and that section does not address personal information for either ‘on-line purchases’ or ‘shopper terminal purchase’. In addition, Kolawa fails to disclose teach or suggest personal information, in the case of an ‘on-line’ purchase including **specifying in advance** ‘process elements to be purchased’ or ‘process elements not to be purchased’, as recited in independent claims 1 and 11. Consequently, Kolawa fails to disclose more than the Action recognized.

Scroggie is directed to a system and method for providing shopping aids and incentives to customers through a computer network. Scroggie’s system does not disclose that whether the shopper can make ‘on-line purchases’ or not. Scroggie simply provides a system for selecting a supermarket in his or her area and does not mention that the shopper may purchase on-line. The on-line system disclosed by Scroggie is at the store and thus, there is no reason why one of ordinary skill in the art would be motivated reading Scroggie to provide personal information that includes specifying ‘on-line purchase’ or ‘shopper terminal purchase’, as required in independent claims 1 and 11.

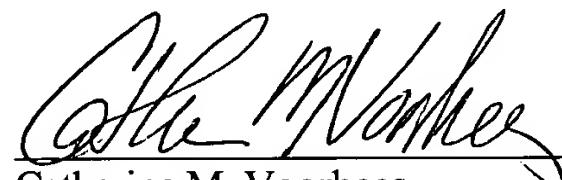
Thus, even if the system of Kolawa is combined with the system of Scroggie, a sale quantity information quantity information coordination service system (claim 1) and a terminal device (claim 11) would not result where personal information could determine whether an ‘on-line purchase’ or a ‘shopper terminal purchase’ were to be made. Neither Kolawa or Scroggie discloses such a system and neither provide motivation to modify Kolawa to achieve the claimed invention. As a result, any combination of Kolawa and Scroggie would not result in a system where the personal information includes process element purchase specification information specifying in advance process elements to be purchased or process element not to be purchased, in the

case of an on-line purchase, as Scroggins only discloses buying at the retail store and Kolawa is not concerned personal information for on-line sales.

In view of the foregoing, it is respectfully submitted that independent claims 1 and 11 and their dependent claims 2, 6-7 and 9, 13, 14, 16, 18 and 20-21, respectively are allowable over the prior art of record. Reconsideration of the application and an issuance of a Notice of Allowance are earnestly solicited.

If the Examiner is of the opinion that the prosecution of the application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

Respectfully submitted,



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